## CASE PROCESSING STANDARDS ANALYSIS CIVIL - SUPERIOR COURT CASES

## **National Center for State Courts Model Time Standards:**

75% within 180 days 90% within 365 days 98% within 540 days

**Measurement**: Filing of initial complaint through disposition (e.g., dismissal, judgment).

## **Arizona Civil - Superior Court Cases**

The following standards have been adopted for Superior Court Civil cases:

60% within 180 days 90% within 365 days 96% within 540 days

✓ Complex cases, such as medical malpractice, will be included as part of the 4% of cases disposed after 540 days.

**Measurement:** Filing of initial complaint through disposition (e.g., dismissal, judgment).

**Excluded Time:** The following may result in a stay of proceedings and the time elapsed will be

excluded from measurement: special actions, appeals, bankruptcy, and stays

granted pursuant to the Servicemembers Civil Relief Act.

Arizona Rules and	Timelines under Statute and Rule
Statutes	
Complaint Filed: Rule 3, Arizona Rules of Civil Procedure (ARCP)	(Measurement Starts Here) A civil action is commenced by filing a complaint with the court.
Service of Process: Rule 4(i), ARCP	No Service-Dismissal: If a defendant is not served with process within 90 days after the complaint is filed, the court—on motion, or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.
Rule 12(a)(1)(ii), ARCP	Waiver of Service: A defendant or third-party defendant must file and serve an answer or other responsive pleading if it has timely waived service under Rule 4(f), within 60 days after the request for a waiver was sent, or within 90 days after it was sent to the defendant or third-party defendant outside any judicial district of the United States.
Rule 12(a)(1), ARCP	Service in Arizona: A defendant or third-party defendant must file and serve an answer or other responsive pleading within 20 days after being served with the summons and complaint, unless the person waived service or was served outside the State of Arizona.

Arizona Rules and	Timelines under Statute and Rule
Statutes	
Rule 4.2(m), ARCP	Out-of-State Service: Unless Rule 4.2(d)(3) applies, or the parties agree or the court orders otherwise, a person served outside Arizona under Rule 4.2 must serve a responsive pleading within 30 days after the completion of service. Service of a responsive pleading must be made in the same manner, and the served person is subject to the same consequences, as if the person had been personally served with a summons in the county in which the action is pending.
<b>Motions Filed Prior to</b>	
Answer: Rule 7.1(a), ARCP	Response and Reply: A party opposing a motion shall have 10 days after service to file a response. The moving party has 5 days to file a reply.
Rule 55, ARCP	Default Judgment: The filing of the application for default constitutes the entry of default. A default is effective 10 days after the application for entry of default is filed, and the plaintiff may request a default judgment at that time if the party claimed to be in default has not pleaded or otherwise defended within that time period.  (Measurement Stops Here)  OR
Discovery and Disclosure:	
Rule 26.1(f)(1), ARCP	<u>Disclosure Statements</u> : Unless the parties agree or the court orders otherwise, a party seeking affirmative relief must serve its initial disclosure of information under Rule 26.1(a) as fully as then reasonably possible within 30 days of the filing of the first responsive pleading to the complaint, counterclaim, cross-claim, or third-party complaint.
Rule 26.1(f)(2), ARCP	Parties have a continuing duty to disclose. Disclosures must be timely served (within 30 days) when new or additional information is discovered or revealed.
Rule 33, ARCP	Interrogatories, Request for Production of Documents, and Requests for Admissions: Responses to interrogatories and any objections must be served within 30 days after being served with the interrogatory. Subject to compliance with Rule 26.1(f)(1) by the party serving discovery, a defendant may serve its answers and any objections within 60 days after service, or waiver of service, of the summons and complaint on that defendant.
Rule 26(b)(5), ARCP	Non-Parties at Fault: No later than 150 days after filing its answer, a party must serve on all other parties—and should file with the court—a notice disclosing any person: (A) not currently or formerly named as a party in the action; and (B) whom the party alleges was wholly or partly at fault under the Arizona Revised Statutes (ARS) § 12-2506(B).

Arizona Rules and	Timelines under Statute and Rule
Statutes	
Amending Pleadings: Rule 15(a), ARCP	Amendment to Pleadings: A party may amend its pleading once as a matter of course: (A) no later than 21 days after serving it if the pleading is one to which no responsive pleading is permitted; or (B) no later than 21 days after a responsive pleading is served if the pleading is one to which a responsive pleading is required or, if a motion under Rule 12(b), (e), or (f) is served, on or before the date on which a response to the motion is due, whichever is earlier.
Summary Judgment: Rule 56(a), (b), and (c), ARCP	Summary Judgment: A party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought. A claimant may move for summary judgment only after the date when a responsive pleading is due from the party against whom summary judgment is sought, or the filing of a Rule 12(b)(6) motion to dismiss or a summary judgment motion by the party against whom summary judgment is sought. A summary judgment motion may not be filed later than the dispositive motion deadline set by the court or local rule, or, absent such a deadline, 90 days before the date set for trial.  An opposing party must file its response and any supporting materials within 30 days after the motion is served. The moving party must serve any reply memorandum and supporting materials 15 days after the response is served.  (Measurement Stops Here if Summary Judgment Is Granted On All Claims)
Arbitration:	OR .
ARS § 12-133 Rule 72, ARCP	Arbitration of Claims: The jurisdictional amount for arbitration is set by the superior court, not to exceed \$65,000. (See local court rules for jurisdictional amount of each county.)
Rule 73(d), ARCP	<u>Timing of Assignment</u> : The clerk or court administrator must appoint an arbitrator to an action no later than <b>120 days</b> after an answer is filed.
Rule 74(c), ARCP	Hearing Date: The arbitrator must set a hearing date not earlier than 60 days nor later than 120 days after the arbitrator's appointment. If good cause exists, an arbitrator may set a hearing date that is before or after this time period, or reschedule a noticed hearing date for a date later than 120 days after the arbitrator is appointed. The arbitrator must provide at least 30 days' written notice of the hearing's time and place, unless waived by the parties. Unless the parties agree otherwise, no hearings may be held on Saturdays, Sundays, legal holidays, or evenings.
Rule 76(a), ARCP	Notice of Decision: Within 10 days of completion of the hearing, the

Arizona Rules and	Timelines under Statute and Rule
Statutes	
	arbitrator shall notify the parties of the decision and file a notice of decision with the court.
	(Measurement Stops After Arbitration Award Entered)
	OR
Rule 76(c), ARCP	If an award or stipulation for entry of another form of relief is not filed with the court within <b>50 days</b> after the notice of decision is filed, the notice of decision will constitute the arbitrator's award.
Rule 76(e), ARCP	Referral to Judge: If the arbitrator does not file an award with the clerk within the later of 145 days after the arbitrator's appointment or 30 days after a noticed hearing, the clerk or the court administrator must refer the matter to the assigned judge for appropriate action.
ARS § 12-3023	Vacating Arbitration Award: The motion must be filed within 90 days of receiving notice of the award.
Trial:	
Rule 38.1(b), ARCP	Motion to Set and Certificate of Readiness: A party seeking postponement of a trial must file a motion setting forth the basis for the request and any supporting evidence. The party must attach a separate statement certifying that the requested postponement is not being sought solely for the purpose of delay and will serve the interests of justice.
Rule 54(c)	A judgment as to all claims and parties is not final unless the judgment recites that no further matters remain pending and that the judgment is entered under Rule 54(c).
Rule 38.1(d) ARCP	<b>Dismissal Calendar:</b> The clerk or court administrator must place a civil action on the Dismissal Calendar if <b>210 days</b> have passed since the action was commenced, and in an action other an action assigned to arbitration, the parties have not filed a Joint Report and a Proposed Scheduling Order under Rule 16(c), or in an action assigned to arbitration, the arbitrator has not filed a notice of decision under Rule 76.
	If an action remains on the Dismissal Calendar for <b>60 days</b> , the court must dismiss it without prejudice and enter an appropriate order regarding any bond or other posted security, unless, before the 60-day period expires: (A) the parties file a Joint Report and a Proposed Scheduling Order under Rule 16(c); (B) in an action assigned to arbitration, the arbitrator files a notice of decision under Rule 76; or (C) the court, on motion showing good cause, orders the action to be continued on the Dismissal Calendar for a specified period of time without being dismissed.
	(Measurement Stops Here)